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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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 6 ZOMBA RECORDING LLC; WARNER BROS.
 RECORDS INC.; ARISTA RECORDS LLC;
 7 ATLANTIC RECORDING CORPORATION;
 BMG MUSIC; VIRGIN RECORDS AMERICA,
 8 INC.; UMG RECORDINGS, INC.; SONY BMG
 MUSIC ENTERTAINMENT; CAPITOL
 9 RECORDS, INC.; ELEKTRA
 ENTERTAINMENT GROUP INC.; FONOVIDA,
 10 INC.; INTERSCOPE RECORDS; and LAFACE
 RECORDS LLC

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12 UNITED STATES DISTRICT COURT
 13 SOUTHERN DISTRICT OF CALIFORNIA
 14 '08 CV 479 DMS BLM

15 ZOMBA RECORDING LLC, a Delaware limited
 liability company; WARNER BROS. RECORDS
 16 INC., a Delaware corporation; ARISTA RECORDS
 LLC, a Delaware limited liability company;
 17 ATLANTIC RECORDING CORPORATION, a
 Delaware corporation; BMG MUSIC, a New York
 general partnership; VIRGIN RECORDS
 18 AMERICA, INC., a California corporation; UMG
 RECORDINGS, INC., a Delaware corporation;
 SONY BMG MUSIC ENTERTAINMENT, a
 19 Delaware general partnership; CAPITOL
 RECORDS, INC., a Delaware corporation;
 20 ELEKTRA ENTERTAINMENT GROUP INC., a
 Delaware corporation; FONOVIDA, INC., a
 21 California corporation; INTERSCOPE RECORDS,
 a California general partnership; and LAFACE
 22 RECORDS LLC, a Delaware limited liability
 company,

Case No. _____

**EX PARTE APPLICATION FOR LEAVE
TO TAKE IMMEDIATE DISCOVERY**

24 Plaintiff,

25 v.

26 DOES 1 - 10,

27 Defendants.

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1 Plaintiffs, through their undersigned counsel, pursuant to Federal Rules of Civil Procedure 26
2 and 45, the Declaration of Carlos Linares, and the authorities cited in the supporting Memorandum of
3 Law, hereby apply *ex parte* for an Order permitting Plaintiffs to take immediate discovery.

4 In support thereof, Plaintiffs represent as follows:

5 1. Plaintiffs, record companies who own the copyrights in the most popular sound
6 recordings in the United States, seek leave of the Court to serve limited, immediate discovery on a
7 third party Internet Service Provider (“ISP”) to determine the true identities of Doe Defendants, who
8 are being sued for direct copyright infringement.

9 2. As alleged in the complaint, the Doe Defendants, without authorization, used an online
10 media distribution system to download Plaintiffs’ copyrighted works and/or distribute copyrighted
11 works to the public. Although Plaintiffs do not know the true names of the Doe Defendants, Plaintiffs
12 have identified each Defendant by a unique Internet Protocol (“IP”) address assigned to that Defendant
13 on the date and time of that Defendant’s infringing activity.

14 3. Plaintiffs intend to serve a Rule 45 subpoena on the ISP seeking documents that identify
15 each Defendant’s true name, current (and permanent) addresses and telephone numbers, e-mail
16 addresses, and Media Access Control (“MAC”) addresses. Without this information, Plaintiffs cannot
17 identify the Doe Defendants or pursue their lawsuit to protect their copyrighted works from repeated
18 infringement.

19 4. Good cause exists to allow Plaintiffs to conduct this limited discovery in advance of a
20 Rule 26(f) conference where there are no known defendants with whom to confer.

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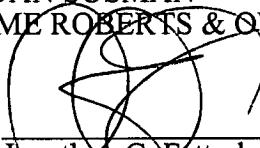
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1 WHEREFORE, Plaintiffs apply *ex parte* for an Order permitting Plaintiffs to conduct
2 the foregoing requested discovery immediately.

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4 Dated: March 14, 2008

5 JONATHAN G. FETTERLY
6 JORDAN SUSMAN
7 HOLME ROBERTS & OWEN LLP

8 By: 

9 Jonathan G. Fetterly
10 Jordan Susman
11 Attorney for Plaintiffs
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